

## **BPRA Committee Reports and Updates for the May 2021 BPRA Board of Trustees Meeting**

*These updates are distributed to the BPRA Board prior to the monthly meetings and included with the minutes.*

### **1) Pool & Recreational Facilities Committee (Phil Kominski, Chair):**

The Board completed our walk through of the grounds of the pool and outside the pool area on the morning of Saturday, April 10th. There was discussion about the playground area and Boat and the possibilities of those opening or not as well as discussion about the dead bushes near the pump room. Second walk through is coming up in May. As of 4/29/21, no further communication with Clark Baugher of Georgetown Aquatics, yet, however, I have not reached out to him for any pressing matters.

### **2) Entertainment & Recreation Committee (Chris Swan, Chair):**

The Civic Association would like to hold this year's annual yard sale on Saturday, September 25 (Sunday, September 26 rain date). The yard sale would take place in the pool parking lot and the Civic Association is not requesting bathroom access.

### **3) Neighborhood Dispute Resolution Committee (Chair TBD):**

Nothing to report. kp

### **4) Finance Committee (Dave Pullen, Chair):**

#### **a. Bookkeeper (no change since last report)**

I have conversed with a friend who is a former Vice President of the MD Assoc. of Non-Profit Accountants and he believes he can identify 2-3 firms/candidates suitable for our needs, which would allow us a representative sample from which to determine next steps.

#### **b. 2021 Assessment Collections**

Per the updated Collections Policy, Delinquency letters dated 4/13 were sent to 84 homeowners. As of 4/29, 33 delinquent homeowners have paid in full. This reduces the outstanding delinquency count to 51 homes (not including homes referred to SCHILD for prior-year arrearages). Some of the remaining 59 owners have responded with partial payments (e.g., paid \$325 but not interest, penalties, and collection costs -- or some combination of those charges); others claiming never to have received the Notice. *All of these receive a reply from me advising that I am enforcing BPRA's Collections Policy*; if they wish to appeal that decision, they may send me an email describing their position that I will treat as an appeal to the Board for review/decision at the May meeting. Board members should expect to be asked at the meeting to uphold the Collections Policy and/or provide clarification about how they wish that

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Policy enforced. Specifically, how do we respond to homeowners who claim they never received Notice? They cannot prove a negative; and we cannot positively assert they received the Notice (but we can attest they were on the mailing list and the mailinghouse mailed to them).

### **c. Overdue Collections/Schild Law Group (Dave Pullen):**

One additional settlement to report at this time. Authorizations to file suit have been signed and delivered back to Schild, per the Board's decisions at the April meeting. No new referrals to Schild have been made this month.

### **d. Assessment Assistance Committee (Dave Pullen)**

One application was received and decided. The homeowner paid \$125 when filing the application, with the balance to be paid on a schedule negotiated by Pullen and resulting in full payment (penalty waived; interest to be paid on outstanding balance) by August 31.

### **e. Roll-out of Electronic/on-line Pool Management Services (eSoft) (Dave Pullen)**

The online payment system went "off-line" on April 1st. Karen has managed the "onboarding" process with eSoft (the method by which eSoft will upload homeowner names and contact info into its program), which is the precursor to assisting homeowners to create an account in eSoft). A May 6th ZOOM session is being offered to homeowners who wish assistance to complete the process on their own, and to identify homeowners who require volunteer assistance in completing that process.

### **f. Audit Coordinator (Mark Foraker):**

The audits are in process. Mark is coordinating with Dave Pullen and items are in the process of being reviewed and gathered for submission. This audit will cover FY 2017 (March 1, 2016--February 28, 2017).

### **f. Budget Planning (Dave Pullen) (No change since last Report)**

Nothing further expected until August-September timeframe for drafting next year's budget.

## **5) Governing Documents Committee (Elliot Chabot, Chair):**

### **a. HOA document requests**

Requests for HOA documents, etc. handled by the Chair of the Governing Documents Committee (April 2021):

1. 2920 Beaverwood Lane - HOA documents
2. 2610 Beechmont Lane - why do I have to pay dues?
3. 14434 Bel Pre Drive - status of accounts (the property is not within BPRA; suggested that they contact the Bel Pre Estates Homeowners Association)

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4. 13805 Bethpage Lane - HOA documents
5. 13805 Bethpage Lane - pre-sale inspection requirements
6. 2917 Birchtree Lane - status of accounts
7. 3005 Birchtree Lane - questions about covenants and dues
8. 3005 Birchtree Lane - status of accounts
9. 3224 Birchtree Lane - HAO documents
10. 3224 Birchtree Lane - status of accounts

### **b. Proposed amendments to the Plan of Organization**

At its February 2, 2021, meeting, the Board tasked the Governing Documents Committee with conducting a review of the Plan of Organization and presenting the Board with its recommendations. The Committee met on February 16, February 25, March 25, and April 21 to discuss proposed changes to the Plan. Substantial progress has been made, but the Committee is not yet ready to submit a final draft to the Board. The Committee will be meeting again on May 18 and hopes to have a draft ready well in advance of the Board's June meeting.

### **c. Documents Retention Policy**

The Governing Documents Committee needs to finish drafting the Documents Retention Policy.

### **d. Conflict of Interest rules**

At the January 5, 2021, Board meeting, the Governing Documents Committee was assigned to develop a written policy on conflicts of interest. The BPRA's current rules dealing with conflicts of interest, bad faith, and similar topics are set out in:

- *Henry v. Guirand*, Maryland Court of Special Appeals case no. 2325, January 19, 2014;
- Maryland Corporations and Associations Code, §§ 2-405.1 and 2-419; and
- BPRA By-Laws, Article XII, § 3.

These rules, as implemented by the Board in recent years can be boiled down to:

- A member of the Board must abstain from voting on any proposal that would personally benefit the Board member or any member of the Board member's family. Likewise, a member of a committee must abstain from voting on any proposal that would personally benefit the committee member or any member of the committee member's family.
- A Board member should also refrain from advocating for any proposal that would personally benefit the Board member or any member of the Board member's family. Likewise, a committee member should refrain from advocating for any

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proposal that would personally benefit the committee member or any member of the committee member's family.

- When anyone has been authorized by the Board to spend BPRA funds (or to authorize the expenditure of BPRA funds), that person may not – without specific authorization from the Board – personally benefit from the expenditure (nor may members of their family).
- A Board member (or a committee member) who would benefit personally (or where a member of the person's family would benefit personally) from a proposal before the Board (or before any committee that the person is a member of) must disclose that to the Board (or committee) before action is taken by the Board (or committee) on the proposal. The disclosure should be included in the minutes of the meeting.
- A proposal that would benefit the entire community, but only incidentally benefits members of the Board or a committee (e.g., setting the date for the pool to open to the entire membership) is not a personal benefit to the Board or committee member (or their family).
- An appointment to a position that does not receive compensation is not a personal benefit to the person being appointed.
- Where the BPRA has a history of purchasing a service from a person who is not a Board member, the Association may purchase that service from a Board member (or a Board member's family), if the amount charged the BPRA is significantly less than the Association was previously paying. In that situation, the Board member must abstain from voting on the proposal, should not make the motion to accept the proposal, and should not participate in the Board's discussion except to answer questions from other Board members.

Other provisions to consider:

- Each member of the Board to annually sign a statement that they have read and understand the conflict of interest policy. [Suggested at the Board's January 5, 2021, meeting]
- If a Board member (or committee member) has initiated legal action against the BPRA, then that member may not attend closed meetings of the Board (or committee) where the legal action is being discussed, but they may attend open meetings. [The Montgomery County Commission on Common Ownership Communities in *McBeth v. Fountain Hills Community Association*, CCOC case no. 52-12, January 3, 2013, recognized that HOAs have this authority.] Meetings of the Board or of committees may

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only be closed when they are in compliance with Maryland Homeowners Association Act § 11B-111.

### **e. Covenant enforcement**

Once work is done on the Plan of Organization review, the Documents Retention Policy, and the Conflicts of Interest Policy, the Committee plans to focus on developing a written policy on covenant enforcement. Issues to be examined include:

- Pool and Assessments Covenants vs. Land Use Covenants
- Funding covenant enforcement
- Cost of enforcement litigation
- Fairness in use of BPRA resources
- What is the level of community support for expanded covenant enforcement?
- Is traditional HOA enforcement of land use covenants adversarial?
- What is the enforcement tradition in our community?
- How does BPRA's tax status impact covenant enforcement?
- Practicality of enforcement
- Property values and covenant enforcement
- Right of individual members to enforce by law suit
- Right of neighborhoods to amend the land use covenants
- Comparison of the Land Use Covenants in different Sections within Strathmore at Bel Pre and what is the overlap between the land use covenants and current county, state, and federal laws?
- Did Levitt & Sons intend that the BPRA enforce the Land Use Covenants?
- Who are the successors to Levitt & Sons?
- What should be BPRA's role in Land Use Covenant enforcement?
- How should the BPRA respond to individual requests for BPRA enforcement?

### **f. Special Projects**

- Identifying the section number for each street address within the BPRA. Once this is done, the list can be used to greatly simplify the process of responding to HOA document package requests.

### **6) Nominating Committee Report (Mark Foraker, Chair):**

Outreach to the community regarding committee and Board service is ongoing.

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### **7) Long Term Planning Committee (Karen Purdy, Chair):**

No meetings currently scheduled. Next steps: find an architect to discuss bathhouse concepts and options with.

### **8) Grounds and Landscaping Report (Ted Bechtol, Chair):**

Kollins has started their routine mowing but has yet to do the plastic edging removal and add the necessary gravel. Spring cleanup and mulching will be done this month.

JC Tree Service has completed the approved work including the white pine blowdown. Another pruning project of equal value was subtracted so that this addition could be made at the same cost.

With the combination of aging white pines and stronger storms we need to discuss additional tree work and input from the community. More specific information was provided in a separate email. An agenda item.

The Board needs to agree on a draft text for the tree plaque for Louisa Hoar, then it would go to her for her review. The next step would be to work with the fabricator to generate a layout and pricing then final Board approval.

The application to the Montgomery County Rainscapes Program was accepted. Next an inspector will do a site visit and evaluation in order to chart a course forward. Initially it looks like we have nearly 100,00 sq ft (2.25 acres) in hardscape such as parking lot, pool deck and buildings.

I would like to request that the Board approves up to \$500 for spring application of fertilizer to planting beds and turf areas, and grass seed to repair damaged areas. TB

### **9) Tennis Courts Committee (Dave Pullen, Chair):**

Mid-Atlantic Asphalt Company advises it typically does not perform repair work we desire much before May 15, given the temperature requirements for effective application/drying of filler and court painting. Thus, it appears likely that the repair work will carry over into the beginning of the pool season, although by that time it may simply be "cure" time for the court surface. I have spoken directly with the homeowners immediately adjacent to the tennis courts to inform them of the impending work, including tree removal (and subsequent re-planting) along the sidewalk and relocation of the "backboard" to the street-end of the courts. Both homeowners were

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appreciative of the notification and generally accepting of the Board's plan. The affected pine trees were successfully removed April 27-28. Thanks, Ted!

### **10) Administrative Assistant's Report:**

The Administrative Assistant's Report was not produced for the April or May meetings. There were no changes from the March report. kp

### **11) Pavilion Scheduler/Pool Pass Coordinator/Tennis Court Keys Distributor – (TBD):**

Louisa Hoar has completed her end of season tasks and turned over materials to Karen Purdy. Tennis Court key distribution responsibilities and materials have been turned over to Jim Eaton. kp

### **12) MapMaster Report (Paul Spelman):**

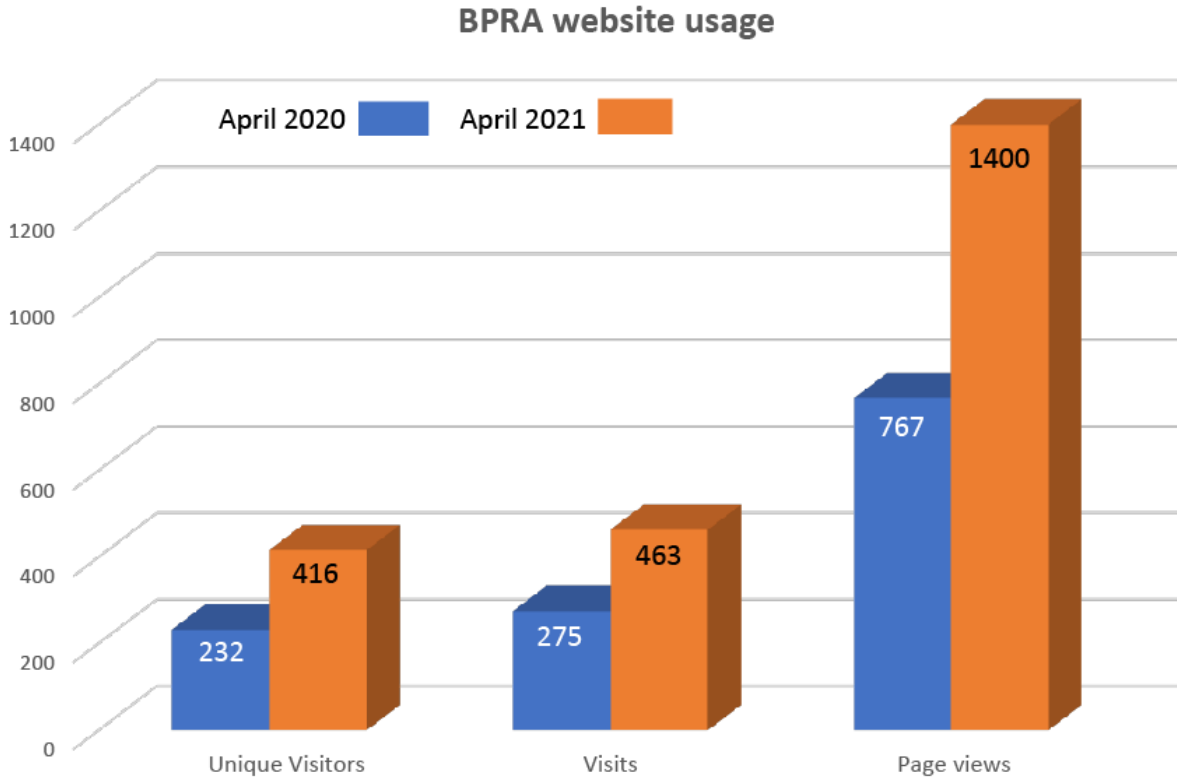
Working on adding overlay to the community map to show each of the "sections" of Strathmore Bel Pre.

### **13) New Member Recruitment Report (Coordinator TBD)**

One owner completed paperwork for adding 13507 Rippling Brook as a BPRA member-household. dep

## BPRC Committee Reports and Updates for the May 2021 BPRC Board of Trustees Meeting

### 14) Web Master Report (Billy Ruppert):



Visits by Device	Mar 2020	Mar 2021
Desktop	214	335
Mobile	53	126
Tablet	8	2